

## Graham &amp; James LLP

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## FACSIMILE TRANSMISSION

Date: April 22, 1999

**Number of Pages Transmitted**  
(including this page): 7

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Our File: 35853.1

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To: EXAMINER FREDMAN

Company: PTO GROUP 1600  
Facsimile: 703-305-3014

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City/Country:

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## MESSAGE:

Dear Dr. Harwin:

In accordance with our telephone conversation, attached is a copy of your trident application.

Gene Rzucidlo

If any pages are not received or legible, please contact the facsimile operator at (212) 848-9557. Between 9:00 p.m. and 8:00 a.m. (Eastern Time), please leave a message.

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511/74156.04  
042299/1159/99000.51013

**OFFICIAL****H/S**  
Docket No. 35853.1**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE****FAX RECEIVED****In re Application of:**

Henrik STENDER et al

APR 22 1999

**SERIAL NO.: 08/943,777****ART UNIT: 1643 GROUP 1600****FILED: October 3, 1997****Examiner:****FOR: NOVEL PROBES FOR THE DTECTION OF MYCOBACTERIA****PETITION TO WITHDRAW THE ABANDONED STATUS  
OF AN APPLICATION**

Assistant Commissioner of Patents  
Washington, D.C. 20231

Sir:

This is a petition to withdraw the abandoned status of the above-identified application.

**Statement of Facts**

1. The undersigned was contacted by telephone by Examiner Fredman who sought to verify if applicants wish to abandon the present application. The Examiner told the undersigned that a written restriction requirement had been sent to the Intellectual Property Department at Graham & James.

2. The undersigned obtained his copy of the present application and made a complete review of the file. No written restriction requirement was found in the file. The front cover of the file does not show any entry indicating the receipt of an official action from the USPTO other than a notice to file missing parts. A copy of the cover of the file is attached hereto as Exhibit 1.

3. It is the practice of Graham & James to docket the receipt of an official action from the USPTO in three separate places. One of the docket clerks enters the type of action and the mailing date of the action on the Patent Office Table on the cover of the application file. The official action is also entered into two separate computers each having a different docketing program. Prior to early 1999 the first docketing program deleted the official action when a response was filed. Hence, this program showed the outstanding official action and the presence of the action would continue until a response was filed. The second docketing program showed the receipt of the official action and also included a notation for the filing of a response.

4. Attached hereto is a printout from the first computer docket program for the present application. There is no notation for the receipt of any official action. In fact, the printout shows no pending official actions since a response was filed to the notice to file missing parts.

5. Also attached hereto is a printout from the second computer docket program. This printout shows the entry on June 23, 1998 of the notice to file missing parts received from the PTO on 6/22/98. The deadline for the response is shown as 8/18/98 and the printout shows that a response was filed on 7/23/98. There are no further entries indicating there were o pending official actions.

Request to Withdraw the Abandonment Status of the Application

and Remailing of the Action

It is respectfully urged that the above fact statement and hereto attached exhibits provide clear evidence that no further official action after the notice to file missing parts was received by applicants' attorneys in the present application. Applicants request that the PTO withdraw the abandoned status of the present application and also request remailing of the action which was not received so that prosecution and the merits of the application may proceed.

Early and favorable action is earnestly solicited.

If the Examiner believes that issues may be resolved by a telephone interview, the Examiner is respectfully urged to telephone the undersigned at (212) 848-1046. The undersigned may also be contacted by e-mail at [erzucidlo@gi.com](mailto:erzucidlo@gi.com).

**AUTHORIZATION**

No additional fee is believed to be necessary.

The Commissioner is hereby authorized to charge any deficiency in any fee associated with this communication only to our Deposit Account No. 07-1855.

Respectfully submitted,

Graham & James LLP

Per:

EUGENE C. RZUCIDLO

Attorney for Applicants

Registration No. 31,900

885 Third Avenue, 24<sup>th</sup> Floor

New York, NY 10022-4834

(212) 848-1000

Date: April 22, 1999

**FACSIMILE**

I hereby certify that this correspondence is being transmitted by facsimile to Assistant Commissioner for Patents, Washington, D. C. 20231 on April 22, 1999.

Eugene C. Rzucidlo  
Name of Applicant, Assignee  
Or registered representative

Signature

April 22, 1999  
Date of Signature

1 HLP 2 PRT

5 UPDATE 6 CLR 7 EXT

10 CHOICE

2290105 2261

° MATTER/DOCKET UPDATE °

10 SHIFT

CLIENT MATTER NO.: 35853.1  
 MATTER TYPE: PATENT  
 ATTORNEY: VINEET KOHLI

STATUS (A/I) :

PRINTED (P) :

DESCRIPTION:  
 CLIENT: DAKO  
 OWNER: DAKO

OUR BASIS: NOVEL PROCESS FOR THE DETECTION OF MYCOBACTERIA  
 APP. NO.: 08/943777 REG. /PAT. NO. :

FIRST INVENT.: STENDER, HENRIK  
 COUNTRY: UNITED STATES TYPE: PATENT

AGENT: COMMISSIONER OF PATENTS & TRADEMARKS  
 DATES OPENED: 06/23/1998 ° DEADLINE DATE: 08/18/1998 REMIND BEFORE MONTHS  
 CLOSED: 07/23/1998 ° DEADLINE TYPE: DECLARATION DUE

REMINDER SET: 08/18/1998 ° EXT. PERIODS: MAX.EXT'S: MAX.EXT.DATE: 12/18/1998  
 ESTIMATED CHARGE:

DETAIL DESCRIPTION:

1: FILED ON 7/23/98.

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PGUP

PGDN

**Country Applications**

13-Apr-99

Case Number:	35853.1	Country:	US	SubCase:	15
Client:	DAKO	United States of America			
Case Type:	ORD	Application Status: Pending			
Application Number:	08/943777	Filing Date:	03-Oct-1997		
Patent Number:		Issue Date:			
Publication Number:		Publication Date:			
Tax Schedule:		Expiration Date:			
Agent:	COMMI	Agent Reference Number: 22901			
COMMISSIONER OF PATENT					
Case Number: 35853.1 US 15					
Outstanding Actions Due	Due Date	Indicator	Date Taken		
Foreign Filing Reminder	03-Apr-1998	Due Date	<input checked="" type="checkbox"/>		
Foreign Filing Due	03-Oct-1998	Final	<input checked="" type="checkbox"/>		
Information Dis Follow Up Date	19-Nov-1998	Due Date	<input checked="" type="checkbox"/>		
Application Status Check	03-Apr-1999	Due Date	<input checked="" type="checkbox"/>		

**Remarks:**

User ID: CPI	Date Created: 20-Nov-1997	Last Update: 20-Nov-1997
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